

**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES  
Office of Conservation and Coastal Lands  
Honolulu, Hawaii**

October 24, 2008

Acceptance Date: March 14, 2007  
Expiration Date: December 03, 2008

**Board of Land and  
Natural Resources  
State of Hawaii  
Honolulu, Hawaii**

**REGARDING:** 4th Time Extension Request for Conservation District Use Application (CDUA) OA-3412 for a Portion of the Kaloi Gulch Drainage Improvements

**APPLICANT:** HASEKO (Ewa), Inc.

**LANDOWNER:** State of Hawaii

**LOCATION:** Oneula Shoreline/Submerged Lands, Ewa, Oahu

**TMK:** Makai of (1) 9-1-011:007 & (1) 9-1-12:025

**USE:** approximately ( $\approx$ ) 21,700 square feet

**SUBZONE:** Resource

**BACKGROUND:**

On March 14, 2007, the Department of Land and Natural Resources (DLNR) accepted Conservation District Use Application (CDUA) OA-3412 for a portion of the Kaloi gulch drainage improvements. The original 180-day processing deadline ended on September 10, 2007. However at the Board of Land and Natural Resources meeting of July 27, 2007, a request for a Contested Case was made and the Office of Conservation and Coastal Lands (OCCL) later received a petition for a Contested Case on August 2, 2007.

On August 9, 2007, the Applicant requested a time extension for processing CDUA OA-3412 and on August 15, 2007, was granted an extension of 90-days to the statutory 180-day processing period to December 9, 2007. On November 16, 2007, the Board of Land and Natural Resources (Board) approved a second request for a time extension to extend the processing period of CDUA OA-3412 an additional 180-days to June 6, 2008 to allow

additional time to complete the contested case hearing process. On May 9, 2008, the Board approved the third request for a time extension to extend the processing period of CDUA OA-3412 an additional 180-days to December 3, 2008 to allow additional time to complete the contested case hearing process.

On October 7, 2008, the Department received a request from the Applicant's Representative to extend the processing period for 60-days to allow for the completion of the Contested Case proceedings (**Exhibit 1**). The Contested Case hearings have been concluded and the Hearing Officer has submitted his proposed findings of fact, conclusions of law and decision and order. The parties shall complete their filings and oral arguments are currently scheduled for next month.

#### **AUTHORITY FOR GRANTING TIME EXTENSIONS:**

The authority for granting time extensions to the CDUA processing period is provided in Section 183C-6(b), HRS, which states that "...when a contested case hearing is required pursuant to Chapter 91, the one-hundred eighty days may be extended an additional ninety days at the request of the applicant. Any request for additional extensions shall be subject to the approval of the Board." The subject request is for a 60-day time extension.

#### **DISCUSSION:**

Staff believes the additional time is sufficient for the parties to submit their proposed findings; hold oral arguments before the Board; and have the Board render a decision regarding the CDUA for a portion of the Kaloi Gulch Drainage Improvements.

Staff, therefore, recommends as follows:

#### **RECOMMENDATION:**

That the Board of Land and Natural Resources approve the applicant's request and extend the processing period for CDUA OA-3412 an additional 60-days, to February 1, 2009 to allow additional time to conclude the contested case hearing process.

Respectfully submitted,



K. Tiger Mills, Staff Planner  
Office of Conservation and Coastal Lands

**Approved for submittal:**



**LAURA H. THIELEN, Chairperson**  
**Board of Land and Natural Resources**

# MORIHARA LAU & FONG LLP

A LIMITED LIABILITY LAW PARTNERSHIP

October 7, 2008

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DEPT. OF LAND &  
NATURAL RESOURCES  
STATE OF HAWAII

Hand Deliver

Ms. Laura H. Thielen, Chairperson  
and Members of the Board of Land and Natural Resources  
1151 Punchbowl Street  
Honolulu, Hawaii 96813  
Attention: Kimberly K. Tiger Mills

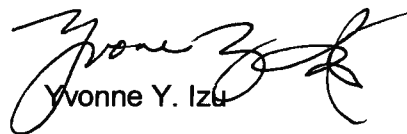
Re: Request for Extension of Time  
Conservation District Use Application  
DLNR File No. OA-3412

Dear Chair Thielen and Members of the Board:

On behalf of our client, HASEKO (Ewa), Inc., we request a 60-day extension for the processing period of HASEKO's Conservation District Use Application for a portion of the Kalo'i Gulch Drainageway Improvements located makai of One'ula Beach Park, Ewa, O'ahu, Hawai'i, TMK (1) 9-1-012:025 and (1) 9-1-011:007, currently set to expire on December 3, 2008. Based on the current schedule for filing exceptions to and oral arguments on the Hearing Officer's Proposed Findings of Fact, Conclusions of Law, and Decision and Order, the extension of time will allow the Board additional time to process HASEKO's Application.

Please feel free to call should you have any questions.

Very truly yours,

  
Yvonne Y. Izu

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cc: Linda L.W. Chow, Esq.  
HASEKO (Ewa), Inc.  
Wilson Okamoto Corporation  
David Kimo Frankel, Esq.  
Michael W. Gibson, Esq.

EXHIBIT |